

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**AVELINO SAMBADE, 151 AVENUE C
DEVELOPMENT LLC, and DAL
DEVELOPMENT LLC,**

Plaintiffs,

v.

**BARBERI CONSTRUCTION LLC,
ANTONIO BARBERI, PETER RINALDI,
and JOHN DOES 1-10,**

Defendants.

Civ. No. 11-7589 (KM)

ORDER

IT APPEARING that the plaintiffs filed the complaint in this matter on December 29, 2011 (ECF no. 1), and that defendants Antonio Barberi and Barberi Construction LLC were duly served, but did not answer or otherwise move in response; and

IT FURTHER APPEARING that the Clerk entered default as to defendants Antonio Barberi and Barberi Construction LLC (ECF nos. 12, 13); and

IT FURTHER APPEARING that the plaintiffs filed initial motions for default judgment as to defendants Antonio Barberi and Barberi Construction LLC (ECF nos. 14, 15), which were administratively terminated; and

IT FURTHER APPEARING that, after the Court granted summary judgment against codefendant Peter Rinaldi, the plaintiffs filed renewed motions for default judgment against defendants Antonio Barberi and Barberi Construction LLC (ECF nos. 43, 44); and

IT FURTHER APPEARING that defendants Antonio Barberi and Barberi Construction LLC have not appeared or otherwise participated in this litigation, and have filed nothing in response to the motion for default judgment; and

IT FURTHER APPEARING that, for the reasons expressed in the opinion and order (ECF nos. 39, 40) granting summary judgment against codefendant Peter Rinaldi, the complaint states tort claims as to which no meritorious defense is evident; that plaintiffs have been prejudiced by the defendants' failure to participate in this action; and that nothing in the record suggests that Antonio Barberi and Barberi Construction LLC are not culpable for that failure to participate, see *Doug Brady, Inc. v. N.J. Bldg. Laborers Statewide Funds*, 250 F.R.D. 171, 177 (D.N.J. 2008) (citing *Emcasco Ins. Co. v. Sambrick*, 834 F.2d 71, 74 (3d Cir. 1987)); and

IT FURTHER APPEARING that the Court, following its award of summary judgment against codefendant Peter Rinaldi, reviewed plaintiffs' unopposed submission as to damages (ECF no. 45) and awarded reasonable damages in the amount of \$450,000, for the reasons expressed in an order which was signed today and is filed herewith; and

IT FURTHER APPEARING that the same quantum of damages would be reasonable as against defendants Antonio Barberi and Barberi Construction LLC, jointly and severally with each other and with defendant Peter Rinaldi;

IT IS this 16th day of December, 2016,

ORDERED that the motions for default judgment (ECF nos. 43, 44) are GRANTED, and that judgment will be entered in favor of plaintiffs and against defendants Antonio Barberi and Barberi Construction LLC, d/b/a Graziella Tile Imports, in the amount of \$450,000.

A separate judgment will be entered.


HON. KEVIN MCNULTY, U.S.D.J.